

Appln. No. 10/631,310

Attorney Docket No. 10541-1966

II. Remarks

Reconsideration and re-examination of this application in view of the above amendments and the following remarks is herein respectfully requested.

After entering this amendment, claims 1-11 remain pending.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1, 2, 5 and 6 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,762,169 ("Andersen"). Applicant respectfully traverses these rejections.

A rejection under 35 U.S.C. § 102(b) requires the cited reference teach each and every element set forth in the claimed invention. As noted by the Examiner, Andersen discloses multiple sensors related to multiple zones, as well as a plurality of buttons. Andersen further discloses a controller connected to the sensors that controls mechanisms that control the temperature and flow of air into the multiple zones. However, unlike the present invention, Andersen fails to disclose a controller that calculates a driver side blend function, rear blend function, and passenger side blend function where the rear blend function is based on the driver side and passenger side blend functions. In addition, Andersen fails to interpolate outputs based on a blend linear interpolation for each blend function. Therefore, since Andersen fails to disclose a controller of the above nature, the rejection based thereon should accordingly be withdrawn.

Claim Rejections - 35 U.S.C. § 103(a)

Claims 1, 2 and 4-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,794,537 ("Adasek") in view of U.S. Patent No.

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4,762,169 ("Andersen"), U.S. Patent No. 5,579,994 ("Davis") or U.S. Patent No. 5,833,133 ("Dage"). Due to the cancellation of claim 12, its rejection has been rendered moot. Therefore, applicant respectfully traverses the rejections of claims 1, 2 and 4-11.

When combining references to make an obviousness rejection, the combined references must motivate the combination and the combination must disclose each and every element claimed. Adasek individually and when combined with Andersen, Davis or Dage, fails to disclose or suggest the features lacking in Adasek, namely a controller that calculates a rear blend function based on a driver side blend function and a passenger side blend function, and interpolates outputs based on a blend linear interpolation for each blend function.

Adasek discloses a driver side, passenger side and a two zone rear heating and cooling system controlled by a computer that calculates multiple blend functions. See Adasek, col. 10, lines 15-42 and Fig. 7. Adasek further describes two rear blend functions each of which are based upon a constant ("N" or "N_{HEAT},"), a rear dial position reading ("LR DIAL" or "RR DIAL,"), and in some instances a rear sun sensor reading ("LR_{SUN}" or "RR_{SUN}"). *Id.* at lines 25-42 and Fig. 7 at 342 and 344. These blend door positions ("LR TEMP DR POS" or "RR TEMP DR POS") are then output directly to blend doors. See *Id.* Fig. 7 at 342, 344 and Fig. 4. In contrast, the present invention discloses a single rear blend function based upon the driver side blend function and the passenger side blend function. These blend functions are then output based on a linear interpolation of the blend functions.

Each of Andersen, Davis and Dage also fail to disclose a controller as described above. Therefore, the combination of Adasek with Andersen, Davis or Dage fails to disclose a controller that calculates a rear blend function based on a

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driver side blend function and a passenger side blend function, and interpolates outputs based on a blend linear interpolation for each blend function.

In that Andersen, Davis and Dage fail to disclose or suggest the above rear blend function and interpolated outputs, which was also previously noted as being absent in Adasek, it must be concluded that the combination of Adasek in view of Andersen, Davis and Dage cannot render the claims of the present application as obvious. The rejection under § 103 is therefore improper and should be withdrawn.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

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Date

Respectfully submitted,


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